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General Assembly
Fifty-sixth session

Official Records

81st plenary meeting
Monday, 10 December 2001, 10 a.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

In the absence of the President, Mr. Kumalo (South Africa), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 17 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(g) Appointment of members of the Joint Inspection Unit

Note by the Secretary-General (A/56/107)

The Acting President: As indicated in document A/56/107, the General Assembly is required, during the fifty-sixth session, to appoint five members to fill the vacancies on the Joint Inspection Unit that will arise from the expiration of the terms of office on 31 December 2002 of Mr. Fatih Bouayad-Agha (Algeria), Mr. Homero Luis Hernández-Sánchez (Dominican Republic), Mr. Eduard Kudryavtsev (Russian Federation), Mr. Francesco Mezzalama (Italy) and Mr. Khalil Issa Othman (Jordan).

As also indicated in document A/56/107, in accordance with article 3, paragraph 1, of the statute of the Joint Inspection Unit, the President of the General Assembly shall consult with Member States to draw up a list of five countries that would be requested to propose candidates for appointment to the Joint Inspection Unit.

After the holding of the necessary consultations with the regional groups, I should like to communicate to the Assembly the following information received from the Chairmen of the regional groups.

For the one vacancy from the African States there are six candidates, namely Cameroon, the Comoros, Egypt, Kenya Mauritius and the United Republic of Tanzania.

For the one vacancy from the Asian States there are two candidates, namely China and Lebanon.

For the one vacancy from the Eastern European States, the group of Eastern European States has endorsed the Russian Federation.

For the one vacancy from the Latin American and Caribbean States, the group of Latin American and Caribbean States has endorsed Cuba.

For the one vacancy from the Western European and other States there are three candidates, namely France, Sweden and the United States of America.

As the group of Eastern European States has endorsed one candidate for one vacancy, namely the Russian Federation, and as the group of Latin American and Caribbean States has endorsed one candidate for one vacancy, namely Cuba, those two countries will be included in the list of countries to be drawn up, and the Government of Cuba and the Government of the Russian Federation will be requested each to propose a candidate for appointment to the Joint Inspection Unit.

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Since from among the African States there are six candidates for one vacancy, from among the Asian States there are two candidates for one vacancy and from among the Western European and other States there are three candidates for one vacancy, in order to complete the drawing up of the list I should like, on behalf of the President of the General Assembly, in accordance with past practice, to consult with Member States through the procedure of holding an advisory vote by secret ballot to select one country from among the African States, one country from among the Asian States and one country from among the Western European and other States. The three countries selected would each be requested to propose a candidate for appointment to the Joint Inspection Unit.

Although this advisory vote would not be an election, we would follow the rules of procedure of the Assembly governing elections.

If there is no objection, may I take it that the General Assembly agrees to that procedure?

It was so decided.

The Acting President: In conformity with existing practice, the countries receiving the greatest number of votes and not less than a majority of the votes of those present and voting shall be included in the list of countries to be drawn up. The countries in the list would be requested each to propose a candidate for appointment to the Joint Inspection Unit.

May I take it that the General Assembly agrees to that procedure also?

It was so decided.

The Acting President: In the case of a tie vote for a remaining vacancy, there will be a special restricted ballot limited to those candidates that have obtained an equal number of votes.

May I take it that the General Assembly agrees to that procedure also?

It was so decided.

The Acting President: May I remind members that the Assembly is not appointing members of the Joint Inspection Unit at this time. It is only selecting three countries, each of which will be requested to propose a candidate. Therefore, only the name of a country, and not the name of an individual, should appear on the ballot paper.

I should like now to repeat the names of the six countries from among the African States that wished to propose a candidate. They are Cameroon, the Comoros, Egypt, Kenya Mauritius and the United Republic of Tanzania. I should further like to point out that from the African States, Burkina Faso already has a national serving on the Joint Inspection Unit. The name of that State should therefore not appear on the ballot paper.

I should like next to repeat the names of the two countries from among the Asian States that wished to propose a candidate. They are China and Lebanon. I should like to point out that from the Asian States, Japan already has a national serving on the Joint Inspection Unit. The name of that State should therefore not appear on the ballot paper.

I should like next to repeat the names of the three countries from among the Western European and other States that wished to propose a candidate. They are France, Sweden and the United States of America. I should also like to point out that from the Western European and other States, Austria and Germany already each have a national serving on the Joint Inspection Unit. The names of those two States should therefore not appear on the ballot paper.

The Assembly will now proceed to the selection of one country from among the African States, one country from among the Asian States and one country from among the Western European and other States. Each of those three countries will be requested to propose a candidate to fill the vacancies on the Joint Inspection Unit.

We shall now begin the voting process.

Ballot papers marked "A" "B" and "C" will now be distributed. May I request representatives to write on the ballot paper marked "A" for the African States the name of the one State for which they wish to vote; on the ballot paper marked "B" for the Asian States the name of the one State for which they wish to vote; and on the ballot paper marked "C" for the Western European and other States the name of the one State for which they wish to vote.

Ballot papers marked "A" bearing the name of more than one State, ballot papers marked "B" bearing the name of more than one State and ballot papers marked "C" bearing the name of more than one State will be declared invalid. A ballot containing the name of a Member State that does not belong to the relevant

region or the name of an individual shall be declared invalid.

At the invitation of the Acting President, Mr. Bartfeld (Argentina), Ms. Grollova (Czech Republic), Ms. Szenthe (Hungary), Ms. Maidment (New Zealand) and Mrs. Malolo (Tonga) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.30 a.m. and resumed at 11.50 a.m.

The Acting President: The result of the voting is as follows:

Group A — African States	
Number of ballot papers:	177
Number of invalid ballots:	3
Number of valid ballots:	174
Abstentions:	2
Number of members voting:	172
Required majority:	87
Number of votes obtained:	
United Republic of Tanzania	61
Cameroon	41
Kenya	34
Mauritius	16
Egypt	11
Comoros	9
Group B — Asian States	
Number of ballot papers:	177
Number of invalid ballots:	3
Number of valid ballots:	174
Abstentions:	1
Number of members voting:	173
Required majority:	87
Number of votes obtained:	
China	114
Lebanon	59
Group C — Western European and other States	
Number of ballot papers:	177
Number of invalid ballots:	6
Number of valid ballots:	171
Abstentions:	2
Number of members voting:	169
Required majority:	85
Number of votes obtained:	
United States of America	81
France	64
Sweden	24

Having obtained the required majority, China will be included in the list of countries to be drawn up.

The Acting President: Since there remains one country to be selected from among the African States and one country to be selected from among the Western European and other States, we shall now proceed to the first restricted ballot. This second round of balloting shall be restricted to the two States from among the African States that were not selected but that obtained the greatest number of votes in previous ballots, namely Cameroon and the United Republic of Tanzania, and to the two States from among the Western European and other States that were not selected but obtained the greatest number of votes in the previous ballot, namely France and the United States of America. This is in accordance with rule 94 of the rules of procedure of the General Assembly.

Before we begin the voting process, I should like to remind members that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process. Ballot papers marked "A" and "C" will now be distributed. May I request representatives to write on the ballot paper marked "A" for the African States the name of the one State for which they wish to vote, and on the ballot paper marked "C" for the Western European and other States the name of the one State for which they wish to vote. Ballot papers marked "A" bearing the names of more than one State and ballot papers marked "C" bearing the names of more than one State will be declared invalid. A ballot paper containing the name of a Member State that does not belong to the relevant region or bearing the name of an individual shall be declared invalid.

At the invitation of the Acting President, Mr. Bartfeld (Argentina), Ms. Grollova (Czech Republic), Ms. Szenthe (Hungary), Ms. Maidment (New Zealand) and Mrs. Malolo (Tonga) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.05 p.m. and resumed at 12.35 p.m.

The Acting President: The result of the voting is as follows:

Group A — African States

Number of ballot papers:	176
Number of invalid ballots:	2
Number of valid ballots:	174
Abstentions:	1
Number of members voting:	173
Required majority:	87
Number of votes obtained:	
United Republic of Tanzania	109
Cameroon	64

Group C — Western European and other States

Number of ballot papers:	176
Number of invalid ballots:	0
Number of valid ballots:	176
Abstentions:	0
Number of members voting:	176
Required majority:	89
Number of votes obtained:	
United States of America	98
France	78

Having obtained the required majority and having received the greatest number of votes, the United Republic of Tanzania and the United States of America will be included on the list of countries to be drawn up.

The Acting President: I thank members for their advice and assistance, and I thank the tellers for their assistance.

In accordance with article 3, paragraph 1, of the statute of the Joint Inspection Unit, China, Cuba, the Russian Federation, the United Republic of Tanzania and the United States of America will be requested to submit the names of candidates and their curricula vitae highlighting their relevant qualifications for the tasks ahead.

After holding the appropriate consultations described in article 3, paragraph 2, of the statute of the Joint Inspection Unit, including consultations with the President of the Economic and Social Council and with the Secretary-General in his capacity as Chairman of the Administrative Committee on Coordination, the President of the General Assembly will propose a list of qualified — I repeat, qualified — candidates to the Assembly for appointment to the Joint Inspection Unit.

We have thus concluded this stage of our consideration of sub-item (g) of agenda item 17.

Agenda item 33

Return or restitution of cultural property to the countries of origin

Report of the Secretary-General (A/56/413)

Draft resolution (A/56/L.41)

The Acting President: I give the floor to the representative of Greece to introduce draft resolution A/56/L.41.

Mr. Gounaris (Greece): It is an honour for me to take the floor in order to introduce a draft resolution on the return or restitution of cultural property to the countries of origin, tabled by Greece under agenda item 33.

The draft resolution we are presenting today, without reference to a main committee, has been before the General Assembly for many years and reflects serious concerns that are shared by a vast majority of Member States of the United Nations. The return of cultural property to its countries of origin or its restitution in case of illicit appropriation is an issue discussed in the report of the Secretary-General in document A/56/413. It is methodically promoted by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

I would like to express our appreciation to the Secretary-General, Mr. Kofi Annan, as well as to the Director-General of UNESCO, Mr. Koichiro Matsuura, for their efforts and to ask that their endeavours continue. I also wish to express our appreciation to the 22 member States of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation for the valuable recommendations, adopted this year under the chairmanship of Ethiopia during the eleventh session of the Committee, held in Phnom Penh.

This biennial draft resolution, which has no financial implications for the programme budget of the United Nations, contains an outlook on relevant conventions, adopted by consensus and signed by numerous Member States. The text refers to the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted on 16 November 1972 by the General Conference of

UNESCO, and it underlines the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the UNESCO General Conference.

Raising public awareness is essential for combating the illicit traffic in cultural property. This year's draft resolution promotes, in full compliance with the existing working methods of the United Nations, the electronic transmission of information concerning stolen cultural property and the linking of existing databases, in particular that developed by the International Criminal Police Organization, as well as other identification systems — for example, Object-ID, developed by UNESCO. In view of this, we support fully UNESCO's appeal for contributions to the international fund aiming to assist in the effective and prompt return of cultural property to its creators.

Greece, being the repository of a cultural heritage now shared by all mankind, firmly believes that a cultural and natural heritage constitutes a treasure that needs to be preserved for the benefit of all nations. Future generations anywhere in the world, healed from traumas of the past, have the right to appraise and value fully their cultural heritage and to be given the opportunity to see it exhibited at its birthplace with respect for its origin.

In no other year could this message be as timely. We aim to emphasize the importance of dialogue, tolerance, mutual understanding, respect and cooperation between cultures, religions and civilizations. This is our everyday challenge under the Charter of the United Nations: to promote those issues that unite us and engage in dialogue on those that stand between us. We need to open ways of communication, share information, protect and preserve cultural property and promote dialogue among those not already engaged in it. We live in one world, and no problem is our neighbour's only — it is our problem also.

The continuous cooperation among Member States, the transparency of information, the open exchange of views between parties concerned and the promotion of a spirit of dialogue are all essential elements in addressing and, hopefully, achieving a satisfactory solution to the issue of return or restitution of cultural property to the countries of origin. I hope that the resolution before the Assembly captures this year's momentum by expressing concern about the alarming scale of damage, loss, destruction, removal, theft, pillage, illicit traffic and, in particular, vandalism of cultural property, which constitute crimes against humanity's cultural heritage.

On behalf of my Government, I would like to thank those Member States that have so far co-sponsored draft resolution A/56/L.41, and extend our deepest appreciation for their support. In addition, it is my pleasure to announce that the following countries have just joined the list of sponsors: Argentina, Armenia, Bulgaria, Cameroon, Canada, China, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Guatemala, Iraq, the Marshall Islands, Poland, Portugal, the Republic of Korea, Romania, Suriname, the Syrian Arab Republic, Togo, the United States and Yugoslavia.

I hope that consultations on the text of the draft resolution will end tomorrow and that the General Assembly will adopt the draft resolution in the coming days.

The Acting President: Countries that still wish to co-sponsor the draft resolution can do so. We will read the final list when the resolution is under consideration.

Mr. Ouch (Cambodia) (*spoke in French*): The Kingdom of Cambodia, one of the countries endowed with enormous archaeological, historical and artistic wealth, is particularly pleased at seeing the General Assembly take up again the question of the return or restitution of cultural property to the countries of origin. This question is of particular importance to my country, and my delegation is pleased to be a co-sponsor of the draft resolution introduced by the representative of Greece, as contained in document A/56/L.41.

My delegation, furthermore, would like to express its satisfaction at the recent report of the Secretary-General on the return or restitution of cultural property to the countries of origin (A/56/413), which contains the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) detailing a series of useful measures taken to try to reduce illicit traffic in cultural property. My delegation would like also to convey to them its deep gratitude for their ongoing interest in this important issue and for their tireless efforts in that

regard. We would like also to thank most sincerely Interpol, the International Council of Museums, the Customs Cooperation Council and the United States Information Agency for their commendable contributions to the campaign against illicit trafficking in cultural property, in particular through administrative and legal means.

Although some progress has been achieved in this regard since the adoption by the General Conference of UNESCO at its eleventh session, held in November 1964 in Paris, of recommendations on measures to be taken to prohibit and prevent the illicit import, export and transfer of ownership of cultural property, and, at its sixteenth session, held on 14 November 1970 in Paris, of the Convention on these measures, the threat of plunder continues to loom over the archaeological treasures of the Kingdom of Cambodia and of other countries that are rich in art, despite the efforts made at the national and international levels to halt this phenomenon.

The archaeological site of Angkor, the seventh wonder of the world, which covers 200 square kilometres, continues to be the victim of these inhuman acts — acts that are damaging to the culture and civilization of the people of Cambodia. Each and every people has created its own values, which are dear to it and which reflect its spirit. Each people, therefore, is attached to its own artistic values, to its culture, to its creativity, and to everything that contributes to enriching its environment. Works of art and other cultural or artistic artefacts have this kind of cultural value, which is unmistakably that of their creators and of their peoples — a value to which all peoples attach great importance and to which they have legitimate ownership rights in all circumstances.

In the context of the illicit traffic in cultural artefacts and archaeological treasures, countries are classified as either exporting countries — mostly developing countries, cradles of civilization such as my country, the Kingdom of Cambodia; importing countries — mostly rich countries that have the means to pay for their acquisitions, regardless of cost; and intermediary countries, or transit countries, whose position or laws facilitate or allow the illegal movement of smuggled artefacts. To that end, in order to devise acceptable measures to ensure the return or restitution to the countries of origin of cultural property that has been stolen or illegally exported, and to put an end to this illicit traffic, it is essential for all countries throughout the world to work together to enhance international cooperation in this regard.

By safeguarding our respective cultural heritages and by restoring legitimate cultural artefacts to their countries of origin, we are serving as best we can the interests of all peoples of the world and future generations. To that end, the activities of UNESCO and of the Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation have contributed very significantly over the years. I should like to take this opportunity to pay tribute to the Director-General of UNESCO and to the Intergovernmental Committee for their efforts in this respect.

The proceedings of the eleventh session of the Committee, which took place in Cambodia from 6 to 9 March 2001, will make a tremendous contribution to strengthening international cooperation through negotiations or multilateral or bilateral agreements, though enhancing the effectiveness of means to prevent this scourge, and through the promotion of UNESCO's instruments in this area.

I note with satisfaction that, as is mentioned in the report of the Secretary-General, there have been cases of restitution of cultural property to their legitimate owners, and recommendations to all Member States to use the Object-ID standard as the international core standard for recording minimal data on movable cultural property and for identifying cultural objects with a view to combating illicit trafficking in this area.

My delegation would like, therefore, to express its full support for the appeal made by the Director-General of UNESCO for the payment of contributions to the International Fund for the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation, and for the effective promotion of the International Code of Ethics for Dealers in Cultural Property.

The Kingdom of Cambodia is a small country with limited means, but we are doing everything in our power to protect our people's heritage. Over and above the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property — to which the Kingdom of Cambodia is a party — the International

Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Property was also signed by my Government in 1995 at the Rome Conference and will be submitted to the National Assembly for ratification in the near future.

We have also signed bilateral and multilateral agreements with friendly neighbouring countries to strengthen regional cooperation in order to address this problem. It is noteworthy that in 2000, the Kingdom of Cambodia and the Kingdom of Thailand signed a bilateral agreement on cooperation to combat illegal border trafficking in movable cultural property and on their return to their countries of origin.

The positive and concrete results achieved by the Intergovernmental Committee have to date been very encouraging. They have made it possible to bring about the effective restitution, in the last few years, of cultural property to its country of origin. In the case of the Kingdom of Cambodia, thanks to diplomatic approaches with respect to the competent authorities of friendly countries and certain international organizations, our most important stolen or illegally exported cultural properties have been returned to our Government. They include 117 cultural artefacts from the Temple of Banteay Chmar and five others were returned in April 2000 by Thai authorities; in 1997, a head of Shiva and a sandstone sculpture were returned, respectively, by the Museum of New York and by Switzerland; and in 1995, four artworks were returned by German customs.

On behalf of the people and the royal Government of Cambodia, I would like to express very sincere gratitude to the competent authorities of those countries and to the organization to which I referred for their praiseworthy assistance aimed at the restitution of cultural property to the Kingdom of Cambodia.

In conclusion, I would like, on behalf of the delegation of the Kingdom of Cambodia, to appeal to States parties to the relevant conventions and to other countries to work together to preserve our respective cultural heritages, which are not only of historical and ancestral value, but also a source of intellectual and moral wealth for future generations.

The meeting rose at 1.05 p.m.